

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF SOUTH CAROLINA  
CHARLESTON DIVISION**

Johnny R. Hayes,

Plaintiff,

**V.**

Hyundai Motor America, Inc.

Defendant.

**C/A No.** \_\_\_\_\_

(Removed from the Colleton County  
Court of Common Pleas, Eleventh  
Judicial Circuit Case No.  
**2020CP1500675**)

**DEFENDANT HYUNDAI**  
**MOTOR AMERICA, INC.'S**  
**INDEX OF EXHIBITS TO**  
**NOTICE OF REMOVAL**

TO: The United States District Court  
For the District of South Carolina, Charleston Division

## EXHIBIT A – Summons and Complaint

Respectfully submitted,

**BOWMAN AND BROOKE LLP**

By: s/ Joel Smith

Joel H. Smith

[Joel.Smith@bowmanandbrooke.com](mailto:Joel.Smith@bowmanandbrooke.com)

Morgan Y. Drapeau

[Morgan.Drapeau@bowmanandbrooke.com](mailto:Morgan.Drapeau@bowmanandbrooke.com)

1441 Main Street, Suite 1200

Columbia, South Carolina 29201

T: (803) 726-7420

F: (803) 726-7421

### Attorneys for Defendant

**Hyundai Motor America, Inc.**

December 29, 2020  
Columbia, South Carolina

# EXHIBIT A



**Service of Process  
Transmittal**

12/01/2020

CT Log Number 538674087

**TO:** Linda L. Eastman, MANAGER, PRODUCT LITIGATION  
Hyundai Motor America  
10550 Talbert Ave  
Fountain Valley, CA 92708-6032

**RE: Process Served in South Carolina**

**FOR:** HYUNDAI MOTOR AMERICA, INC. (Assumed Name) (Domestic State: CA)  
HYUNDAI MOTOR AMERICA (True Name)

**ENCLOSED ARE COPIES OF LEGAL PROCESS RECEIVED BY THE STATUTORY AGENT OF THE ABOVE COMPANY AS FOLLOWS:**

**TITLE OF ACTION:** Johnny R. Hayes, Pltf. vs. Hyundai Motor America, Inc., Dft.

**DOCUMENT(S) SERVED:** -

**COURT/AGENCY:** None Specified  
Case # 2020CP1500675

**NATURE OF ACTION:** Product Liability Litigation - Manufacturing Defect - -

**ON WHOM PROCESS WAS SERVED:** National Registered Agents, Inc., Columbia, SC

**DATE AND HOUR OF SERVICE:** By Certified Mail on 12/01/2020 postmarked on 11/24/2020

**JURISDICTION SERVED :** South Carolina

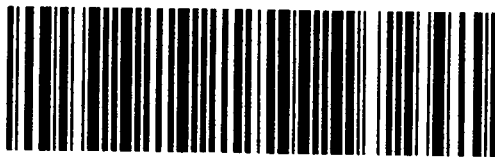
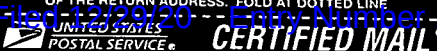
**APPEARANCE OR ANSWER DUE:** -

**ATTORNEY(S) / SENDER(S):** None Specified

**ACTION ITEMS:** CT has retained the current log, Retain Date: 12/01/2020, Expected Purge Date: 12/06/2020  
  
Image SOP  
  
Email Notification, Theresa San Roman TSANROMAN@HMAUSA.COM  
  
Email Notification, Linda L. Eastman LEASTMAN@HMAUSA.COM

**SIGNED:** National Registered Agents, Inc.  
**ADDRESS:** 1209 N Orange St  
Wilmington, DE 19801-1120

**For Questions:** 866-401-8252  
EastTeam2@wolterskluwer.com

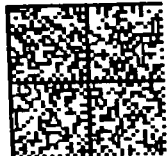


9489 0090 0027 6091 7768 51

Label 890-PB, Oct. 2015  
Pitney Bowes

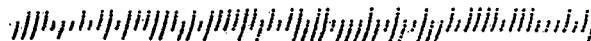
LAW OFFICES  
PETERS, MURDAUGH, PARKER, ELTZROTH & DI  
PROFESSIONAL ASSOCIATION  
POST OFFICE BOX 457  
HAMPTON, SOUTH CAROLINA 29924

National Registered Agents, Inc.  
2 Office Park Ct, Suite 103  
Columbia, SC 29223



U.S. POSTAGE PITNEY BOWES  
ZIP 29924 \$005.90<sup>0</sup>  
02 4W  
0000360774 NOV. 24, 2020

292235948 C006



LAW OFFICES  
**PETERS, MURDAUGH, PARKER, ELTZROTH & DETRICK**

PROFESSIONAL ASSOCIATION

OVER 100 YEARS OF LEGAL SERVICE. EST. 1910

JOHN E. PARKER  
DANIEL E. HENDERSON  
MARK D. BALL  
RANDOLPH MURDAUGH, IV  
RONNIE L. CROSBY  
R. ALEXANDER MURDAUGH  
BERT G. UTSEY, III  
RANDOLPH MURDAUGH, III  
GRAHAME E. HOLMES  
LEE D. COPE  
LEAGUE B. CREECH  
STEVEN D. MURDAUGH  
WILLIAM F. BARNES, III  
AUSTIN H. CROSBY  
NEIL E. ALGER  
JOHN E. PARKER, JR.  
CHELSEA S. AVANT

RANDOLPH MURDAUGH, SR.  
(1887-1940)  
RANDOLPH MURDAUGH, JR.  
(1915-1998)  
J. ROBERT PETERS, JR.  
(1927-2008)  
J. PAUL DETRICK  
(1948-2016)  
CLYDE A. ELTZROTH, JR. - RET.

November 24, 2020

**VIA CERTIFIED MAIL RECEIPT NUMBER: 9489 0090 0027 6091 7768 51**

National Registered Agents, Inc.  
2 Office Park Ct, Suite 103  
Columbia, SC 29223

**Re: *Johnny R. Hayes v. Hyundai Motor America, Inc.***  
***Civil Action No.: 2020-CP-15-00675***

Dear Registered Agent:

Enclosed please find a copy of the Summons and Complaint in the above captioned matter for service upon you as the registered agent for Hyundai Motor America, Inc.

With kind regards, I am

Sincerely,

***s/R. Alexander Murdaugh***

R. Alexander Murdaugh

RAM/abg  
Enclosures

STATE OF SOUTH CAROLINA	)	IN THE COURT OF COMMON PLEAS
	)	
COUNTY OF COLLETON	)	CIVIL ACTION NO.: 2020-CP-15-
	)	
JOHNNY R. HAYES,	)	
	)	
Plaintiff,	)	
	)	
v.	)	<b>SUMMONS</b>
	)	<i>(Jury Trial Requested)</i>
	)	
HYUNDAI MOTOR AMERICA, INC.,	)	
	)	
Defendant.	)	

**TO THE DEFENDANT ABOVE-NAMED:**

**YOU ARE HEREBY SUMMONED** and required to answer the complaint herein, a copy of which is herewith served upon you, and to serve a copy of your answer to this complaint upon the subscriber, at P.O. Box 457, Hampton, SC 29924, within thirty (30) days after service hereof, exclusive of the day of such service, and if you fail to answer the complaint, judgment by default will be rendered against you for the relief demanded in the complaint.

PETERS, MURDAUGH, PARKER, ELTZROTH  
& DETRICK, P.A.

BY: s/ R. Alexander Murdaugh  
R. Alexander Murdaugh, Esquire  
Bar # 6996  
Austin H. Crosby  
Bar # 80161  
P.O. Box 457  
Hampton, SC 29924  
(803) 943-2111

November 17, 2020  
Hampton, South Carolina

ATTORNEYS FOR PLAINTIFF

STATE OF SOUTH CAROLINA	)	IN THE COURT OF COMMON PLEAS
	)	
COUNTY OF COLLETON	)	CIVIL ACTION NO.: 2020-CP-15-
	)	
JOHNNY R. HAYES,	)	
	)	
Plaintiff,	)	
	)	
v.	)	<b><u>COMPLAINT</u></b>
	)	<i>(Jury Trial Requested)</i>
	)	
HYUNDAI MOTOR AMERICA, INC.,	)	
	)	
Defendant.	)	

The Plaintiff alleges:

1. That Plaintiff, Johnny R. Hayes, is a resident of Colleton County, South Carolina.
2. That Defendant, Hyundai Motor America, Inc. (hereinafter "Hyundai") is a foreign corporation organized and existing pursuant to the laws of California with an agent in South Carolina and is subject to jurisdiction in this state pursuant to §36-2-802 and §36-2-803, South Carolina Code (1976) and is in the business of developing, producing and selling automobiles throughout the United States. Defendant, Hyundai, distributes its automobiles for use in South Carolina in a systematic and continuous manner via a dealership network and actively markets its automobiles for sale in the state South Carolina.
3. That Defendant, Hyundai, owed a duty of due care to the Plaintiff to manufacture, import and/or distribute the subject vehicle in a condition that was safe for use by the Plaintiff.
4. That Defendant, Hyundai, did manufacture, import and/or distribute into the stream of commerce the subject vehicle, the 2013 Hyundai Elantra, VIN number 5NPDH4AE0DH264887.
5. That on November 19, 2017, Plaintiff was operating the subject vehicle in a northerly direction on SC Highway 63/Sniders Highway in Colleton County, South Carolina; that as the Plaintiff was so traveling, he attempted to pass a slowed vehicle when he lost control of his vehicle causing his vehicle to rollover, striking and coming to rest at a utility pole.

6. That the impact was of sufficient force to deploy the airbags in the subject vehicle.
7. The Plaintiff's airbags failed to deploy.
8. As a result of the airbag failure to deploy, Plaintiff received serious injuries that would not have otherwise occurred had the airbag properly deployed.

**FOR A FIRST CAUSE OF ACTION**  
**(Negligence)**

9. That Hyundai breached duties of due care in their conduct as set forth herein.
10. That Plaintiff's injuries were due and proximately caused by the negligence and recklessness of the Defendant as follows:

- a. In manufacturing and selling the subject vehicle, with a defective airbag;
- b. In failing to properly monitor the quality of the airbag components provided by the supplier of the airbag;
- c. In failing to properly test and/or design the airbags in the subject vehicle;
- d. In failing to warn of the defective airbags;
- e. In failing to use due care in the manufacture of the supplemental airbags in the 2013 Hyundai car to ensure it was free of defects;
- f. In failing to timely issue its recall regarding the defective airbags; and
- g. In failing to act in a reasonable and prudent manner.

**FOR A SECOND CAUSE OF ACTION**  
**(Strict Liability)**

11. Each and every allegation contained in this Complaint which is not inconsistent with this cause of action is hereby incorporated by reference as if repeated verbatim herein.

12. That the subject vehicle, including its airbags, was defective and unreasonably dangerous to the Plaintiff and similarly situated consumers in the condition in which it was released for sale to the public.



13. That the subject vehicle, including its airbags, had not been altered and was being used in a reasonably foreseeable manner at the time of the events alleged in this Complaint.

14. Defendant sold the subject vehicle, including the airbags, in an unreasonably dangerous and defective condition and as a result Defendants are strictly liable pursuant to S. C. Code §15-73-10, to Plaintiff for all damages proximately caused by the airbags failure to deploy.

**FOR A THIRD CAUSE OF ACTION**  
**(Breach of Warranty)**

15. Each and every allegation contained in this Complaint which is not inconsistent with this cause of action is hereby incorporated by reference as if repeated verbatim herein.

16. That the Defendant breached implied and express warranties in designing, manufacturing and selling the subject vehicle, including the airbags, in the defective and unreasonably dangerous condition rendering the vehicle unfit for its intended purpose.

17. The breach of warranties in the design, manufacture and sale of the subject vehicle in a defective condition/manner was the proximate cause of the serious, severe, and permanent injuries sustained by the Plaintiff.

WHEREFORE, Plaintiff prays for judgment against the Defendants for actual damages, together with punitive damages in an appropriate amount, for the costs of this action, and for such other and further relief as the Court may deem just and proper not to exceed seventy-five thousand (\$75,000.00) dollars.

PETERS, MURDAUGH, PARKER, ELTZROTH  
& DETRICK, P.A.

BY: **s/ R. Alexander Murdaugh**  
R. Alexander Murdaugh, Esquire  
Bar # 6996  
Austin H. Crosby

Bar # 80161  
P.O. Box 457  
Hampton, SC 29924  
(803) 943-2111

November 17, 2020  
Hampton, South Carolina

ATTORNEYS FOR PLAINTIFF

ELECTRONICALLY FILED - 2020 Nov 17 5:19 PM - COLLETON - COMMON PLEAS - CASE#2020CP1500675

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